

## **EXHIBIT “B”**



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**Word Mark** POMODORO **SAN MARZANO** DELL'AGRO SARNESE-NOCERINO**Translations** The English translation of "POMODORO **SAN MARZANO** DELL'AGRO SARNESE-NOCERINO" in the mark is "**San Marzano** Tomato of Area Sarnese-Nocerino".**Goods and Services** (ABANDONED) IC A . US A . G & S: Tomatoes and peeled tomatoes**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS**Design** 01.15.06 - Advertising, skywriting; Clouds; Fog**Search Code** 05.03.08 - More than one leaf, including scattered leaves, bunches of leaves not attached to branches

05.03.25 - Leaf, single; Other leaves

05.11.04 - Tomatoes

06.03.08 - Rapids; Rivers; Streams

06.03.25 - Marinas

26.01.17 - Circles, two concentric; Concentric circles, two; Two concentric circles

**Serial Number** 85581273**Filing Date** March 27, 2012**Current Basis** 1B**Original Filing Basis** 1B**Published for Opposition** June 4, 2013**Owner** (APPLICANT) Consorzio di Tutela Del Pomodoro S. Marzano Dell'Agro Sarnese-Nocerino INCORPORATED ASSOCIATION ITALY Via Lanzara n. 27 84087 - Sarno (SA) ITALY**Attorney of Record** John Alunit**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "POMODORO SAN MARZANO" APART FROM THE MARK AS SHOWN**Description of** The color(s) red, green, white, brown, yellow, and blue is/are claimed as a feature of the mark. The mark consists

Mark

of three red tomatoes with green leaves, and in the background, Mt. Vesuvius in the color brown with a green shoreline having two white borders, a blue sea, and a yellow sky, all of which is encompassed in two green circles, and in between the two circles are the words "POMODORO SAN MARZANO DELL'AGRO SARNESE-NOCERINO" in the color green, and in a white background.

Type of Mark

CERTIFICATION MARK

Register

PRINCIPAL

Other Data

The certification mark, as intended to be used by authorized persons, is intended to certify peeled tomatoes obtained from vines of the S. Marazno 2 and KIROs, including any genetic improvements thereof; that the tomatoes are produced by agricultural undertakings and processed by industrial operators in certain geographic areas; that the environmental conditions and cultivation of land for production of the tomato is traditional; that the vines and tomatoes fulfill certain characteristics; and that the peeled tomatoes are packed and canned a particular way.

Live/Dead Indicator

DEAD

Abandonment Date

March 3, 2014

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451  
[www.uspto.gov](http://www.uspto.gov)

Mar 03, 2014

**NOTICE OF ABANDONMENT**

JOHN ALUMIT  
ALUMIT IP  
135 SOUTH JACKSON STREET, SUITE 200  
GLENDALE, CA 91205

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<b>SERIAL NUMBER:</b>	85/581273
<b>MARK:</b>	POMODORO SAN MARZANO DELL'AGRO SARNESE-N ETC.
<b>APPLICANT:</b>	Consorzio di Tutela Del Pomodoro S. Marz

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THE ABOVE IDENTIFIED TRADEMARK APPLICATION WAS ABANDONED ON 03/03/2014 FOR THE FOLLOWING REASON:

APPLICANT FAILED TO FILE A STATEMENT OF USE (SOU) OR REQUEST FOR AN EXTENSION OF TIME TO FILE A STATEMENT OF USE (EXTENSION REQUEST). TRADEMARK ACT 1(d)(4), 15 U.S.C. 1051 (d)(4); 37 C.F.R. 2.65(c).

**YOU CAN REQUEST REINSTATEMENT OF THE APPLICATION FOR NO FEE IF:**

- \* YOU HAVE PROOF THAT THE STATEMENT OF USE OR EXTENSION REQUEST WAS RECEIVED IN THE USPTO ON OR BEFORE THE DUE DATE - SUCH AS A POSTCARD WITH A USPTO MAILROOM DATE STAMP; OR,
- \* YOU MAILED OR FAXED THE STATEMENT OF USE OR EXTENSION REQUEST ON OR BEFORE THE DUE DATE WITH A CERTIFICATE OF MAILING OR FACSIMILE TRANSMISSION, IN ACCORDANCE WITH USPTO RULE 2.197, 37 CFR SEC. 2.197.

**YOU MUST SUBMIT A COPY OF THE PREVIOUSLY SUBMITTED TIMELY STATEMENT OF USE OR EXTENSION REQUEST WITHIN 2 MONTHS OF THE DATE PRINTED AT THE TOP OF THIS NOTICE ALONG WITH ONE OF THE TYPES OF PROOF SET OUT ABOVE. YOU MAY FAX THIS INFORMATION TO THE INTENT TO USE UNIT AT 571-273-9550.**

**IF YOU DO NOT HAVE THE PROOF NECESSARY FOR REINSTATEMENT, YOU CAN FILE A PETITION TO REVIVE THROUGH THE TRADEMARK ELECTRONIC APPLICATION SYSTEM (TEAS) AVAILABLE AT <http://www.uspto.gov/teas/index.html>. USPTO RULE 2.66, 37 CFR SEC. 2.66, REQUIRES:**

- \* A "PETITION TO REVIVE" **TO BE FILED WITHIN 2 MONTHS** OF THE DATE PRINTED AT THE TOP OF THIS NOTICE;
- \* A SIGNED STATEMENT BY SOMEONE WITH FIRST HAND KNOWLEDGE OF THE FACTS THAT THE DELAY IN RESPONDING BY THE DUE DATE WAS "UNINTENTIONAL";
- \* A PETITION FEE OF \$100, MADE PAYABLE TO THE COMMISSIONER OF TRADEMARKS; AND
- \* IF YOU RECEIVED THE NOTICE OF ALLOWANCE, YOU MUST ALSO INCLUDE A STATEMENT OF USE OR EXTENSION REQUEST AND THE REQUIRED FEES, INCLUDING ANY FEES FOR EXTENSION REQUESTS THAT SHOULD HAVE BEEN FILED IF THE APPLICATION HAD NEVER BEEN ABANDONED. IF YOU DID NOT RECEIVE THE NOTICE OF ALLOWANCE, INCLUDE A STATEMENT THAT YOU DID NOT RECEIVE THE NOTICE OF ALLOWANCE.

**FOR FURTHER INFORMATION CALL 1-800-786-9199**